

**CHAPTER 1147**  
**Supplementary District Regulations**

1147.01	General.	1147.19	Adult group homes.
1147.02	Principal building per lot.	1147.20	Amusement arcades.
1147.03	Conversion of dwelling to more units.	1147.21	Child day care center or home.
1147.04	Existing lots of record.	1147.22	Fire hazards.
1147.05	Temporary buildings and uses.	1147.23	Sales: basement, garage, porch, yard, moving, estate, auctions; public hearings, and others.
1147.06	Regulation of accessory uses and buildings.	1147.24	Home occupations.
1147.07	Permitted or conditionally permitted accessory uses, buildings and structures.	1147.25	Junk.
1147.08	Accessory uses not permitted.	1147.26	Mineral, clay, sand, gravel, and topsoil extraction, storage and processing.
1147.09	Reduction of area or space.	1147.27	Noise.
1147.10	Supplemental yard and height regulations.	1147.28	Offensive, noxious, or dangerous uses, practices, or conditions.
1147.11	Architectural projections.	1147.29	Required refuse collection areas.
1147.12	Construction in easements.	1147.30	Satellite dish antennas.
1147.13	Setback from publicly established drainage ditches.	1147.31	Sidewalks.
1147.14	Parking and storage of vehicles and trailers.	1147.32	Swimming pools and tennis courts.
1147.15	Long-term parking facilities for all types of vehicles.	1147.33	Assurance requirements and plans.
1147.16	Fences and walls.	1147.34	Home occupation regulations.
1147.17	Shrubbery and hedges.	1147.99	Penalty.
1147.18	Adult businesses.		

**CROSS REFERENCES**

Parking generally - see TRAF. Ch. 351  
 Nuisances generally - see GEN. OFF. Ch. 521; BLDG. Ch. 1323  
 Amusement devices - see BUS. REG. Ch. 711  
 Sexually oriented businesses - see BUS. REG. Ch. 737

**1147.01 GENERAL.**

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur in order to alleviate or preclude such problems and to promote the harmonious exercise of property rights without conflict.

**1147.02 PRINCIPAL BUILDING PER LOT.**

No more than one (1) principal building or structure may be constructed upon any one (1) lot for the purposes of this Ordinance.

**1147.03 CONVERSION OF DWELLING TO MORE UNITS.**

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following items are satisfied:

- A. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
- B. The lot area per family equals the lot area requirements for new structures in that district.
- C. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
- D. The conversion is in compliance with all other relevant codes and Ordinances.
- E. The district within which the residence is located is so regulated as to allow such increase in dwelling units.

**1147.04 EXISTING LOTS OF RECORD.**

Subject to approval by the Director of Zoning, any lot of record forty (40) feet or wider existing at the effective date of this Section in any R District which is pocketed by buildings existing on the two (2) lots adjoining at the side which are in different ownership, may be used for the erection or reconstruction of a single-family dwelling, even though its area and width are less than the minimum requirements set forth herein. Each side yard shall be a minimum of five (5) feet. Where two (2) adjoining lots of record with less than the required area and width are held by one (1) owner, the Planning Commission may require that the lots be combined and used for one (1) main building or use. In either case, the prevailing or required setback shall be met. Where three (3) or more contiguous unimproved lots of record with less than the required area and width are held by one (1) owner, the Planning Commission may require replatting to fewer lots to permit compliance with the minimum yard requirements.

**1147.05 TEMPORARY BUILDINGS AND USES.**

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring a Temporary Zoning Certificate, an application for a Zoning Certificate shall be made to the Director of Zoning or his/her authorized representative at least twenty-one (21) days before the instigation of such use. This application shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use. The Zoning Certification must be received prior to beginning the project.

- A. The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:
1. **Real Estate Offices:** Real estate sales offices which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2), six- (6) month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the Zoning Certificate, whichever occurs first.
  2. **Contractor's Offices and Storage Facilities:** Temporary buildings, construction trailers, offices, equipment, and materials, and storage facilities required in conjunction with construction activity may be permitted in any district for a period of one (1) year, except that one six- (6) month extension may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction or upon expiration of the Zoning Certificate, whichever occurs first.
  3. **Parking Areas:** Temporary sales and services may be permitted within parking areas within any Business District. A Zoning Certificate valid for a period not to exceed seven (7) consecutive days shall only be issued three (3) times within any twelve (12) month period to any individual or organization. The application for the temporary Zoning Certificate shall be accompanied by written permission of the property owners and shall be prominently displayed at the site. The Director of Zoning or his/her authorized representative shall not issue a permit for such temporary use if he or she determines that it encroaches upon more than twenty-five percent (25%) of the required parking area.
  4. **Outdoor Art, Craft and Plant Shows, Exhibits and Sales:** Temporary retail sales and services, such as the sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any Business District. A Zoning Certificate valid for a period not to exceed three (3) consecutive days shall only be issued three (3) separate times for any particular lot within any twelve (12) month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license and a written statement from the property owner giving his or her permission for such use. This Section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any event, the Zoning Certificate shall be prominently displayed at the site.

5. **Christmas Tree Sales:** Christmas tree sales are permitted in any Business District. With BZA approval, Christmas tree sales shall be allowed if conducted by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization, in any Residential District. Such use shall be limited to a period not to exceed fifty (50) days. Display of Christmas trees need not comply with the yard requirements of this Ordinance, except that no tree shall be displayed so as to obstruct the visibility at intersections defined in Section 1147.10B.
  6. **Tents:** Tents are permitted in all districts in connection with any permitted, accessory or temporary use. No tent shall be allowed to remain for a period of more than two (2) days longer than the use with which it is associated or, in the absence of any such period, ten (10) days. Unless waived in writing by the Zoning Director, every tent shall comply with the bulk and yard requirements of the District in which it is located.
  7. Except as authorized in Section 1147.05, temporary buildings or other temporary facilities are strictly prohibited. This prohibition includes, but is not limited to, the use of trailers of any description as a building or storage facility.
- B. Written application for a Temporary Zoning Certificate shall be made to the Director of Zoning or his/her authorized representative. The application shall include:
1. The address of the property and the name, address, and telephone number of the owner and occupant of the property.
  2. A description of the business' temporary use sought to be carried on.
  3. The number and names of persons to be involved in the business.
  4. Additional information that may be required by the Zoning Director.
  5. Duration of use.
  6. Such permit shall be revocable, nonrenewable, and limited to twelve (12) months duration.

#### **1147.06 REGULATION OF ACCESSORY USES AND BUILDINGS.**

It is the purpose of Section 1147.06, inclusive of this Ordinance, to regulate accessory uses in order to promote the public health, safety and welfare. It is the intent of this Section to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties. This Section shall apply to the location and maintenance of accessory uses as herein defined. A Zoning Certificate is required.

### A. General Requirements

Except as otherwise provided in this Ordinance, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

1. The accessory use or structure shall be located on the same lot as the main or principal building, except for off-street parking facilities which may be located elsewhere.
2. The accessory use or structure shall not contain or be used as a dwelling unit.
3. The accessory use or structure shall not be more than thirty percent (30%) of lot area. Any floor area covered by a breezeway of a connected accessory building shall be included in this computation. Accessory uses that exceed 30 percent (30%) of a lot area may be appealed to the Board of Zoning Appeals.
4. An attached accessory use or structure shall not exceed the height of the principal building. Detached accessory uses shall not exceed fourteen (14) feet in residential districts and twenty-five (25) feet for commercial districts.
5. It shall meet all yard requirements of the principal use, except as modified in Section 1143.12.
6. Except as otherwise provided in this chapter, a detached accessory building or structure located in the rear yard shall be set back at least six feet (6') from the side and rear lot lines.
7. Any accessory building or structure not located in the rear yard shall be an integral part or connected with the principal building to which it is accessory. It shall be placed so as to meet side and front yard requirements for the principal building.
8. No detached accessory buildings or structures shall be located in any front or side yard except under unusual circumstances where such activity shall not conflict with the intent and purpose of this Ordinance; or, where enforcement shall result in extreme hardship. Either exception shall require approval of the Director of Zoning or his/her authorized representative and the Board of Zoning Appeals.

### B. Zoning Certificate

1. Unless specially exempted, all accessory uses, buildings and structures shall require a Zoning Certificate along with payment of applicable fee(s) at the time of application.
2. Accessory uses, buildings, or structures for a conditional use or certified non-conforming use require approval by the Board of Zoning Appeals.

### C. Retail Sales and Services as an Accessory Use

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students or visitors, and not for the general retail public. In hospitals and clinics these accessory uses may include drug stores, florists, gift and book shops, and cafeteria institutional settings; in office buildings, hotels, country club houses, and airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, and beauty and barber shops.

### D. Accessory Buildings Used for Storage

Accessory buildings used for storage shall not include the use of temporary structures including tents, trailers, mobile homes, auto or truck bodies, beds, boxes, trailers, truck caps and campers or railroad cars, whether affixed to a permanent foundation or not. Accessory buildings used for storage shall otherwise meet all other zoning setbacks, height, area, and percent of lot coverage requirements for the particular use or district in which located, and shall be maintained in good condition.

### E. Open/Outside Storage

Open or outside storage and display of material, merchandise and/or motor vehicles and equipment incidental to permitted or conditional uses shall be permitted subject to locational limitations, height limitations, and effective visual screening, including height type and material, as determined and/or specified by the Director of Zoning or his/her authorized representative after consultation with the Director of Building. Said screening to be no less than six feet (6') in height, shall be maintained in good condition and free of advertising and signs, and shall meet the requirements of Chapter 1167.

## 1147.07 PERMITTED OR CONDITIONALLY PERMITTED ACCESSORY USES, BUILDINGS, AND STRUCTURES.

- A. Accessory uses, buildings or structures normally incidental or subordinate to the main or principal use of the land or building shall be permitted or conditionally permitted in any district in accordance with the regulations of this chapter and the provisions of this Ordinance.
1. Garages subject to the provisions of Section 1147.06.
  2. Storage buildings subject to the provisions of Sections 1147.05 and 1147.06.
  3. Patios, decks, porches, carports, awnings, canopies subject to the provisions of Sections 1147.06 and 1147.10.
  4. Swimming pools, and tennis courts subject to the provisions of Section 1147.32.

5. Fences, walls, or similar screening devices subject to the provisions of Section 1147.16.
6. Satellite dish antennas subject to the provisions of Section 1147.30.
7. Flag poles, radio antennas and similar structures subject to the provisions of Section 1147.06.
8. Home occupations subject to the provisions of Section 1147.24.
9. Sales: Basement, Garage, Porch, Yard, Moving, Estate, Auctions, etc. subject to the provisions of Section 1147.23.
10. Temporary buildings, structures, and uses subject to the provisions of Section 1147.05.
11. Hedges or other plants subject to the provisions of Section 1147.17.
12. Similar accessory uses, buildings and structures not specified above may be permitted by the Director of Zoning or his/her authorized representative or the Board of Zoning Appeals, as applicable, subject to provisions established by said Director or Board of Zoning Appeals.

**1147.08 ACCESSORY USES NOT PERMITTED.**

- A. Accessory buildings may not be used for dwelling purposes.
- B. Raising of farm animals.

**1147.09 REDUCTION OF AREA OR SPACE:**

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Ordinance. However, nothing in this Section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Ordinance.

**1147.10 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS.**

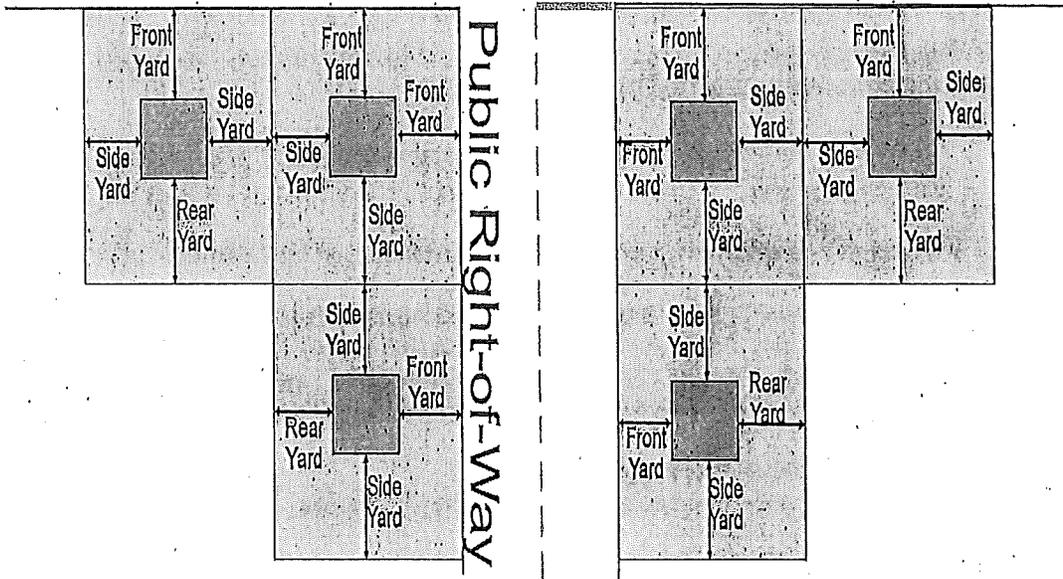
In addition to all yard regulations specified in Section 1143.12 and in other Sections of this Ordinance, the provisions of Section 1147.10, inclusive, shall be used for interpretation and clarification.

**A. Setback Requirements for Corner Buildings**

On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located (refer to Illustration A). The principal building shall have two (2) side yards and no rear yard.

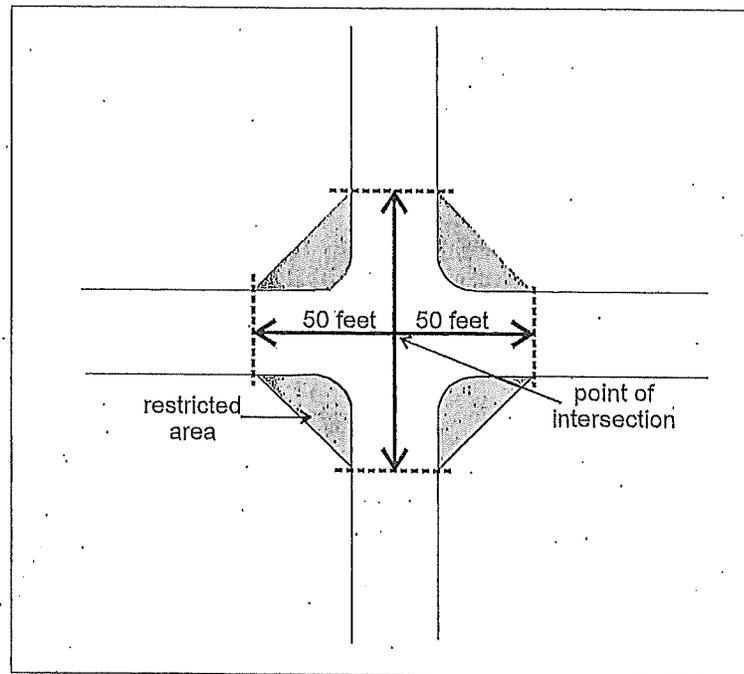
Illustration A

Public Right-of-Way



B. Visibility at Intersections

On a corner lot at the intersection of two (2) alleys, or at the intersection of an alley and a street within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and a half feet (2 ½') and ten feet (10') above the center line grades of the intersecting alleys or of the intersecting alley and street in the area bounded by the right-of-way lines of such corner lots and a line joining points along said alley lines, or alley and street lines fifty feet (50') from the point of intersection (refer to Illustration B).



### C. Yard Requirements for Multiple-Family Dwellings

Group or multiple-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

### D. Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts

1. Non-residential buildings or uses shall not be located nor conducted closer than the minimums established in Section 1143.12F. to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Planning Commission.
2. Such screening shall be a masonry or solid fence between four (4') and six (6') feet in height, maintained in good condition, and free of all advertising or other signs.
3. Landscaping shall consist of a strip of land not less than twenty feet (20') in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet (4') in height at the time of planting. Either type of screening shall not obstruct traffic visibility within fifty feet (50') of an intersection.

4. The Director of Zoning or his/her authorized representative or designee shall make periodic inspections and the owner shall be responsible for maintenance of screening/landscaping.

**E. Exceptions to Height Regulations**

1. The height limitations contained in Section 1143.12 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.
2. No structure shall be constructed in excess of the height that can be safely protected by all available fire fighting equipment except where in-structure fire protection is provided.

**1147.11 ARCHITECTURAL PROJECTIONS.**

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached, and shall not project into the required minimum front, side, or rear yard, unless otherwise permitted in the Zoning Ordinance.

**1147.12 CONSTRUCTION IN EASEMENTS.**

Easements for installation, operation, and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which will damage or interfere with the installation, operation, and maintenance of such utilities, or which may change the normal direction of flow or drainage channels within the easement. The easement area of each lot and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which public authority or a utility is responsible.

**1147.13 SETBACK FROM PUBLICLY ESTABLISHED DRAINAGE DITCHES.**

In all districts a setback of twenty feet (20') from the top of the bank, measured at right angles thereto, shall be provided for all buildings or structures erected along such ditch. Wherever practical, the area so used shall be on one (1) side of the ditch only; however, this dimension may be increased by the Planning Commission if the circumstances indicate that the equipment to maintain such drainage course would require a greater width in which to operate (ORC 6137.12).

**1147.14 PARKING AND STORAGE OF VEHICLES AND TRAILERS.**

- A. No commercial vehicle with a net capacity rating in excess of two and one half (2-1/2) tons, including commercial tractors, buses, boats, recreational vehicles, and semi-trailers shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building. Those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking are exempt.

- B. Automotive vehicles or trailers of any type without current license plates shall not be parked or stored on any residential property other than in a completely enclosed building.
- C. A maximum of one (1) boat and/or one (1) unoccupied recreational vehicle may be stored in the rear yard or side yard of any residentially zoned property if it has a current license. Boats, recreational vehicles, and related equipment may be parked in the front yard between April 1 and October 31. (Ord. 46-01. Passed 11-6-01.)
- D. No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of the Traffic Code or while obeying the directions of a police officer or traffic control device, on a sidewalk, curb or street lawn area, except a bicycle. (Ord. 12-09. Passed 4-7-09.)

#### **1147.15 LONG-TERM PARKING FACILITIES FOR ALL TYPES OF VEHICLES.**

In addition to complying with all other provisions of this Ordinance, the applicant shall comply with the following conditions, whether or not the long-term parking facility is an accessory use or primary use of a lot:

- A. No boundary of the proposed parking area is within fifty feet (50') of a residential district boundary.
- B. The proposed parking area will not prevent access to adjacent properties by fire safety equipment.
- C. The proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties, and shall comply with Section 1159.09.
- D. Fencing and lighting of the facility will be sufficient to provide for its reasonable security and shall not be a nuisance to any surrounding residential use or district.
- E. No service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

#### **1147.16 FENCES AND WALLS.**

- A. No fence shall exceed thirty-six inches (36") in height between the street right-of-way line and the building setback lines.
- B. Supporting members for walls and fences shall be installed so as not to be visible from any other property which adjoins or faces the fences or walls being installed. This regulation shall not apply to fences or walls which are designed so that the supporting members are identical in appearance on both sides of the fence or wall such as shadow box fences.
- C. Maintenance: Fences shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort, or safety of the public.
- D. Permits: No fence or wall shall be erected or constructed until a fence permit has been issued by the Director of Zoning or his/her authorized representative who shall review each request to determine its compliance with this Chapter. Each property owner shall determine property lines and ascertain that the fence or wall does not encroach upon another lot or parcel of land.

- E. Variances: Any deviation from this Ordinance must be approved by the Board of Zoning Appeals under the provisions of Chapter 1179. The Board of Zoning Appeals shall consider, in ruling upon such request, the criteria referred to in Section 1179.02:
- F. Front Yards No fence, wall, hedge, or planting shall be located in a front yard except in accordance with the following standards:
1. Hedges or other plantings not exceeding thirty-six inches (36") in height may be located in any front yard subject to the traffic visibility requirements at corner lots (see Section 1147.10B.).
  2. Wire fences or walls not exceeding thirty-six inches (36") in height may be located in any front yard; they shall be set back at least three (3) feet from the front lot lines and be subject to the traffic visibility requirements at corner lots (see Section 1147.10B.).
- G. Rear and Side Yards A fence or other screening device may be located in any rear or side yard provided it is no more than six (6) feet in height; and less than twelve (12) feet in height for any fence or hedge surrounding a tennis court.
- H. Security Fences A fence (open or solid to any degree) or wall of any height may be erected along a side or rear lot line or buffer area line upon approval of the Planning Commission if necessary for the preservation of the public peace, health, safety or general welfare or the protection of residential and commercial uses.
- I. Fence Construction: No barbed wire, other sharp pointed material, or electrically charged material shall be used in the construction of fences. In potentially hazardous or other high risk areas such materials may be permitted by the Board of Zoning Appeals.
1. Fences or walls whether intended primarily for protection from trespassers, for visual barriers, or for windbreak purposes must be made from durable materials, permanently and securely anchored into place.
- J. Other Permissible Locations: Provided it is set back at least twenty (20) feet of a corner lot line so as not to interfere with traffic visibility, fences and hedges may be erected on public or semipublic areas, on school grounds or in industrial districts.

#### **1147.17 SHRUBBERY AND HEDGES:**

No shrubbery or hedge shall be planted beyond the property lines. The owner or occupant of property on which there is shrubbery, hedges, or trees so located as to affect the vision of drivers on the public streets shall keep shrubbery and hedges trimmed to a maximum of thirty-six inches (36") in height and keep trees trimmed in order to avoid creating traffic hazards.

#### **1147.18 ADULT BUSINESSES.**

In addition to complying with all regulations within the district where they are located, all sexually oriented business shall comply with Chapter 737 and the following criteria:

- A. No sexually oriented business shall be permitted in a location which is within one thousand feet (1,000') of the lot line of another adult entertainment business.
- B. No sexually oriented business shall be permitted in a location which is within one thousand feet (1,000') of the lot line for any church, any public or private school, any park, any playground, or any social services facility or neighborhood center.
- C. No sexually oriented business shall be permitted in a location which is within one thousand feet (1,000') of the lot line for any residence or boundary of any residential district. (Ord. 6-10. Passed 4-20-10.)

#### **1147.19 ADULT GROUP HOMES.**

In addition to all other applicable provisions of this Ordinance, Adult Group Homes shall comply with the following criteria.

- A. Evidence is presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency.
- B. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
- C. No such facility may be located within six hundred feet (600') of another such facility.
- D. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
- E. Such facility shall be reasonably accessible by virtue of its location or transportation provided by the applicant to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
- F. The applicant shall provide a plan to the Director of Zoning or his/her authorized representative, indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
- G. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant to the Planning Commission.

#### **1147.20 AMUSEMENT ARCADES.**

Amusement arcades shall comply with the following in addition to all other regulations that apply in this Ordinance and the Codified Ordinances of the City of Harrison:

- A. An adult who is eighteen (18) years of age or over shall supervise the amusement arcade at all times during its hours of operation.

- B. It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance.
- C. Coin operated amusement machines shall be placed at least two feet (2') apart and have four feet (4') of free space in front of the machine separate and apart from walking aisles.
- D. If the place of business or premises for which an amusement arcade is proposed is a free-standing building, an exterior lighting plan must be approved by the Board of Zoning Appeals.
- E. In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises.
- F. No amusement arcade may be established, operated, or maintained in any place of business or on any premises which is within five hundred feet (500') of any adult entertainment business or within one thousand feet (1,000') of a school.
- G. The applicant shall be required to file a copy of a license to operate and exhibit amusement devices and a notarized statement that the applicant shall not permit any school-aged person sixteen (16) years of age or younger to operate any devices on the premises between the hours of 8:00 p.m. and 6:00 a.m., unless accompanied by a parent or legal guardian.

#### **1147.21 CHILD DAY CARE CENTER OR HOME.**

##### **A. Child Care Centers With More Than Twelve (12) Children in Attendance**

Child care centers with an average daily attendance of more than twelve (12) children are subject to the following regulations:

1. The petitioner obtains all necessary state licenses or certifications required for providing day care for infants, pre-school, and/or school age children.
2. Provisions are made for off-street parking and loading facilities and such fencing, screening, and landscaping as required to prevent undue detriment to the area.

##### **B. Child Day Care Home**

1. Home operated child care (Type B) with an average daily attendance of five (5) children or less are allowed in any residential district. No Zoning Certificate is required for this type of child care.

2. Home operated child care (Type A) with between six (6) and twelve (12) children in average daily attendance may also be allowed in a residential district as either a permitted or conditional use. The petitioner shall be required to obtain a Zoning Certificate by proving that he or she has complied with all applicable state laws, and copies of the State permits shall be filed with the Director of Zoning or his/her authorized representative. The Zoning Certificate will expire on a yearly basis. The Zoning Certificate shall be renewed by the Director of Zoning or his/her authorized representative with proof that the petitioner has complied with all applicable State laws governing child care centers.

### C. Review of Child Care Centers and Homes

Review of a child care center shall include, but is not limited to:

1. Proof of all necessary state licenses or certifications required for providing day care for infants, pre-school, and/or school children.
2. Location of the site and the site size and configuration relative to development of the adjoining area and the effect of activities on the site of the adjacent property.
3. Number of children to be accommodated in the center, service area, type of program, teacher-child ratios, and personnel qualifications.
4. Compliance with all State laws, ordinances, and regulations pertaining thereto.

The application will be reviewed by the Director of Zoning or his/her authorized representative who has the power to grant or deny the permit. If the Director of Zoning or his/her authorized representative denies the permit, the petitioner may appeal to the Board of Zoning Appeals for reconsideration of issuance of the permit.

#### 1147.22 FIRE HAZARDS.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material as determined by the City fire inspector. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

#### 1147.23 SALES: BASEMENT, GARAGE, PORCH, YARD, MOVING, ESTATE, AUCTIONS; PUBLIC HEARINGS, AND OTHERS.

Garage sales are permitted in any residential district and are subject to the Codified Ordinances of the City of Harrison and the following conditions:

##### A. Basement, Garage, Porch, or Yard Sales; Moving or Estate Sales and Auctions

Temporary basement, garage, porch or yard sales may be permitted subject to the following provisions:

1. An approved permit must be obtained from the Director of Zoning or his/her authorized representative or designee at least three (3) days before said sale is to take place. This permit shall be free of charge.
2. Upon registration, the sale shall only be permitted at the one (1) location for a period not to exceed three (3) consecutive days.
3. Not more than two (2) such sales at the same location will be permitted in any one (1) calendar year and not more frequently than one (1) in any month.
4. Such sales are permitted between the hours of 8:00 a.m. and 9:00 p.m.
5. No signs may be posted except on private property advising the public of such sale, and all signs must be removed within twenty-four (24) hours after the termination of the sale.
6. A legally permitted sale is limited to one sign, not greater than four square feet (4 s.f.) in size, which is located on the sale premises for a time period of five (5) consecutive days. Such signs shall not be located in a public right-of-way. Sale signs conforming to the above requirements do not require a sign permit. Signs that do not conform to the above requirements are subject to penalty and fine according to Sections 1175.16 and/or 1175.99.
7. All items displayed for sale must be displayed on the premises at the location stated on the registration permit form.
8. Moving or estate sales or auctions shall be subject to the same provisions governing basement, garage, porch, or yard sales, unless otherwise specified by the Director of Zoning and/or designee.

#### **1147.24 HOME OCCUPATIONS.**

Home Occupations shall require a permit and shall comply with all of the following regulations:

- A. There shall be no more than one (1) nonresidential employee or volunteer to be engaged in the proposed use.
- B. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation.
- C. Outside storage related to the home occupation may be permitted if totally screened from adjacent residential lots, provided the application so specifies.

- D. Not more than twenty percent (20%) of the gross floor area of any residence or two hundred and fifty (250) square feet, whichever is larger shall be devoted to the proposed home occupation.
- E. The external appearance of the structure in which the use is to be conducted shall not be altered and not more than one (1) sign no larger than two square feet (2 sf.) shall be mounted flush to the wall of the structure.
- F. Minor alterations (non-structural) may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction without a Building Permit.
- G. No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- H. No more than two (2) additional parking places which shall not be located in a required front yard may be proposed in conjunction with the home occupation.
- I. The home occupation permit shall expire in the event of change in ownership of the property at the location for which it was issued, or any change in location of the original home occupation.

#### **1147.25 JUNK.**

Also refer to Chapter 717 in the Codified Ordinances of the City of Harrison.

- A. The accumulation or storage of junk, junk motor vehicles (as defined under ORC 4513.65), disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in this Ordinance shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.
- B. No person shall permit litter or junk to accumulate on land owned or occupied to the extent that it blows or spills over onto the property of another.
- C. Uncontrolled accumulation of litter is a nuisance and is subject to abatement by the City or owners of surrounding land.

#### **1147.26 MINERAL, CLAY, SAND, GRAVEL, AND TOPSOIL EXTRACTION, STORAGE, AND PROCESSING.**

##### **A. Conditions Governing Mineral Extraction**

Excavation, stripping, quarrying, and processing operations employed in the extraction of minerals, clay, sand, gravel, and topsoil shall be conducted in such a manner as to eliminate as far as practicable noise, vibration, or dust which would injure or annoy persons living or working in the vicinity of the operations. Accessways or roads within the premises shall be maintained in a dust free condition through surfacing or such other treatment as may be necessary. Performance Requirements of this Zoning Ordinance shall be met.

**B. Location**

Excavation for extraction purposes shall be located at least one hundred (100) feet from a street right-of-way line and the property lines bounding the extraction area. Stripping of topsoil shall not be conducted closer than one hundred (100) feet to any residential property or district. Plants or equipment for processing of extracted materials or other approved operations shall not be located nearer than five hundred (500) feet to the boundary of the land included in an area approved for extraction purposes in any other district.

**C. Rehabilitation Plan**

Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Council. Rehabilitation Plans shall include the following:

1. A grading plan showing existing contours for the extraction area and proposed future contours showing the manner in which the area is to be restored. Plans shall be drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
  - a) Existing and proposed drainage of the area.
  - b) Details of regrading and revegetation of the site during and at completion of operations.
2. Required Rehabilitation

The following requirements shall be met in the Rehabilitation Plan:

- a) The banks of all extraction, when not back-filled shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. The slope shall be maintained twenty (20) feet beyond the water line if such exists.
- b) Spoil banks shall be graded to a level compatible with the terrain.
- c) All banks and extracted areas shall be surfaced with a suitable soil cover, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses, and maintained until soil is stabilized.
- d) Upon completion of extraction operations the area shall either be left as a permanent spring-fed lake or the floor thereof shall be leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion.

- e) All equipment, buildings and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible, shall be removed within three (3) months of the completion of extraction operations.

#### 1147.27 NOISE.

No person shall operate or use any machine, equipment, or mechanical device on a lot except for agricultural purposes so as to create any noise which would cause the noise level, measured at the lot line of the lot affected by the noise emission, to exceed the applicable fixed noise level set forth in this Section. If the measurement location is on a boundary between two (2) zoning districts, the lower noise level shall apply.

- A. Noise limits shall not exceed the following:
1. In Zoning District R-1, R-3, R-4, PUD-RES: 80 decibels from 7:00 a.m. to 8:59 p.m. and 65 decibels from 9:00 p.m. to 6:59 a.m.
  2. In Zoning District B-1, B-4, DRD, PUD-BUS: 85 decibels from 7:00 a.m. to 8:59 p.m. and 80 decibels from 9:00 p.m. to 6:59 a.m.
  3. In Zoning Districts M-1 & M-2: 85 decibels at any time of day.
- B. Provisions of Section 1147.27 shall not be applicable to any emergency signaling devices required by law; nor to any standby equipment operated only in emergency situations, provided that such standby equipment shall not emit noise at a level in excess of 75 dbA when measured at the lot line of the lot on which it is located. (Ord. 69-09. Passed 11-17-09.)

#### 1147.28 OFFENSIVE, NOXIOUS, OR DANGEROUS USES, PRACTICES OR CONDITIONS.

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises; except that any use permitted by this Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of land or building in any district shall register with the local fire department, comply with its regulations, and shall be in violation of this Ordinance if one (1) or more of the following conditions are found to exist at any time:

- A. The use or storage of flammable or explosive materials if not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities.
- B. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.

- C. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency.
- D. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency.
- E. Vibration discernible by the Director of Zoning or his/her authorized representative without instruments is present on adjoining lot or property.
- F. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district.
- G. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property.
- H. Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.
- I. Activity emitting electrical current or radio wave which adversely affects the operation of any equipment other than that of the operator.

#### **1147.29 REQUIRED REFUSE COLLECTION AREAS.**

The refuse collection areas provided by all Business, industrial, and multi-family residential uses for the collection of trash, garbage, and other refuse, shall be enclosed on three (3) sides by a solid wall or fence of at least six feet (6') in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Director of Zoning or his/her authorized representative. In addition, the following requirements shall be met:

- A. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
- B. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard or which may attract rodents or insects shall be stored only in closed containers constructed of impervious materials.
- C. Storage areas in residential districts shall utilize such additional screening as required in this Ordinance.

#### **1147.30 SATELLITE DISH ANTENNAS.**

Section 1147.30 inclusive, shall set forth regulations regarding satellite dish antennas.

##### **A. Ground-Mounted Satellite Dish Antennas**

Ground-mounted satellite dish antennas are considered as accessory structures and are permitted as accessory uses in all districts. However, the applicant shall be required to obtain a permit from the Director of Zoning or his/her authorized representative before constructing a ground mounted satellite dish or any accompanying structures. In addition to the provisions of this Ordinance pertaining to accessory structures, the following provisions shall apply to ground-mounted satellite dishes:

1. The maximum diameter of any ground-mounted satellite dish shall not exceed ten feet (10'), eighteen inches (18") in single family residential zones.
2. The maximum height of any ground-mounted satellite dish shall not exceed twelve feet (12') above the finished grade.
3. The apparatus shall not be located in a side yard or front yard unless reception is not possible by placement of the satellite dish elsewhere on the property and the satellite itself is either:
  - a. One meter or less in diameter and direct-to-home satellite services are to be provided, or
  - b. Two meters or less in diameter and located in commercial or industrial areas.
4. The apparatus shall be set back a minimum of six feet (6') from the side and rear yard line unless reception is not possible by placement of the satellite dish elsewhere on the property and the satellite itself is either:
  - a. One meter or less in diameter and direct-to-home satellite services are to be provided, or
  - b. Two meters or less in diameter and located in commercial or industrial areas.
5. The apparatus shall not be linked, electronically or physically, to any receiver which is not located on the same lot.
6. Any driving motor shall be limited to one hundred ten (110) volt maximum power and shall be encased in a protective guard.
7. All wiring between the apparatus and any other structure shall be placed underground in approved conduit.
8. All wiring and grounding of the apparatus shall be in accordance with the National Electrical Code.
9. The apparatus shall be anchored in a base sufficient to safely support the unit and shall be bonded to an approved eight foot (8') grounding rod.

**B. Roof-Mounted Satellite Dish Antennas**

Roof-mounted satellite dish antennas are considered as accessory structures, and are permitted as accessory uses in all districts. However, the applicant shall be required to obtain a permit from the Director of Zoning or his/her authorized representative before constructing a roof mounted satellite dish. In addition to the provisions of this Ordinance pertaining to accessory structures, the following provisions shall apply to roof-mounted satellite dishes:

1. The maximum diameter of any roof-mounted satellite dish shall not exceed three feet (3').

2. The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four feet (4') unless reception is not possible by placement of the satellite dish elsewhere on the property and the satellite itself is either:
  - a. One meter or less in diameter and direct-to-home satellite services are to be provided, or
  - b. Two meters or less in diameter and located in commercial or industrial areas.
3. All wiring and grounding of the apparatus shall be in accordance with the National Electrical Code.
4. The apparatus, its mounting, and all supporting devices shall be constructed and erected in accordance with Sections 614.0 and 615.0 of the BOCA Basic Building Code, directly upon the roof of the principal building, and shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenances thereto attached.
5. The satellite dish apparatus shall be so designed and installed as to withstand wind forces up to seventy-five (75) miles per hour.

### C. Permits Required

Satellite dishes which are three feet (3') or smaller in diameter do not require a permit. Installation or erection of a satellite dish which is larger than three feet (3') in diameter shall not commence before all required licenses and/or permits are obtained.

1. Installation Permits: The lawful installation of a satellite dish requires two (2) permits:
  - a) An approved Zoning Certificate from the Director of Zoning or his/her authorized representative.
  - b) For single- and two-family dwellings: An approved Building Permit from the Director of Building.
  - c) For all other installations, an approved Building Permit from the Hamilton County Building Department.
2. Procedure:
  - a) The owner of any lot, premises or parcel of land who desires to construct a dish-type satellite receiving antenna on said lot, premises, or parcel of land shall submit a written application for a Zoning Certificate on appropriate forms, including the specified permit fee, to the Director of Zoning or his/her authorized representative.

- b) Such application shall include construction drawings showing the exact location, dimensions, and type of the proposed antenna along with the proposed method of installation, and a site plan showing the location of the main building and setbacks.
- 3. Modifications: If any modifications are made to the station structure, the Director of Zoning or his/her authorized representative and/or the Director of Building shall have the authority to require proof that said change is in conformity with the zoning and building codes.
- 4. Prohibitions: No dish-type satellite receiving antenna shall be permitted in the Open Area District, except by special approval of the Board of Zoning Appeals.
- 5. Licensing: The applicant shall submit documentation of any license granted by Federal, State, or local agencies pertaining to the ownership, construction or operation of a dish-type satellite receiving antenna. Also, the name and address of the person or firm certified to construct the proposed earth station shall be submitted.

#### D. Approval Process

##### 1. Approval

- a) Applications filed for Ground-Mounted Satellite Dish Antennas (Section 1147.30A.) require approval by the Director of Zoning or his/her authorized representative.
- b) Applications filed for Roof-Mounted Satellite Dish Antennas (Section 1147.30B.) require approval by the Board of Zoning Appeals.
- c) Upon approval of a Zoning Certificate, an application for a Building Permit for a satellite dish antennae accessory to a single or two-family dwelling shall be submitted to the Director of Building on appropriate forms. All other building permits must be obtained from the Hamilton County Building Department.
- d) The issuance of a building permit may require certain modifications as specified by the Director of Building and/or the Hamilton County Building Department, as applicable.
- e) No approved ground-mounted or roof-mounted satellite dish antenna may commence operations before the Director of Building has made a final inspection and approved same for operation.  
(Ord. 64-09. Passed 10-6-09.)

#### 1147.31 SIDEWALKS.

Sidewalks on all new residential or business construction shall be required. The Codified Ordinances of the City of Harrison shall also apply to all districts within the Zoning Ordinance for the City of Harrison.

**1147.32 SWIMMING POOLS AND TENNIS COURTS.****A. Private Swimming Pools**

All private swimming pools ("pool"), exclusive of portable swimming pools with a diameter less than twelve feet (12') or with an area of less than one hundred square feet (100 sf.), shall not be permitted in any residential district as an accessory use unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the use of the occupants, including guests, of the principal use of the property on which it is located. A pool shall be considered an accessory use to the main structure.
2. A pool, including any walks or paved areas or accessory structures adjacent thereto, shall be located behind the rear line of the principal structure and at least ten feet (10') from all property lines. That distance shall be measured from the water's edge and shall not restrict fences, ground level patios, pumps, and similar pool accessories not requiring separate permits.
3. Elevated decks for above-ground pools shall not be located closer than ten feet (10') to the property line.
4. Fixed lighting shall be located, screened or shielded so that any adjacent residential lots are not directly luminated.
5. The swimming pool behind the front building on which it is located, shall be walled or fenced to prevent uncontrolled access by any person from the street or from adjacent properties. The fence or wall shall not be less than four feet (4') in height, shall be separate from the wall of the pool, and maintained in good condition with a gate and lock. The gate shall remain locked at all times except when the pool is used or controlled by authorized persons. Appropriately walled or fenced, as mentioned herein, does not include the wall and/or deck of an above ground swimming pool.
6. Before construction commences, the petitioner shall obtain a Zoning Certificate under Chapter 1175, a fence permit (where required), a swimming pool permit, and all permit fees shall be paid.

**B. Community or Club Swimming Pools**

Community and club swimming pools are permitted in any district that allows for outdoor recreation or club facilities and shall comply with the following conditions and requirements:

1. The pool is intended solely for the use of the members, and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool shall be subject to the same provisions governing the location and use of private pools as specified in Sections 1147.32A.
3. The pool and accessory structure thereto, including the areas used by the bathers, shall not be closer than one hundred feet (100') to any property line.

4. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by persons from the street or from adjacent properties. The fence or wall shall not be less than six feet (6') in height and maintained in good condition.
5. Fixed lighting shall be located, screened or shielded so that any adjacent residential lots are not directly illuminated.
6. Before construction commences, the petitioner shall obtain a Zoning Certificate under Chapter 1175, a fence permit (where required), a swimming pool permit, and all permit fees shall be paid. The operation of any pool shall comply with the standards of the City Building Code and the Hamilton County Board of Health.

**C. Tennis Courts**

1. Tennis courts or other similar playing courts shall be located in the rear yard of a building or structure.
2. Such courts shall be fenced along its perimeter with a fence. Any such fence exceeding six feet (6') in height shall be screened by large shrubs (Refer to Sections 1147.16 and 1147.17).
3. Fencing surrounding a tennis court(s) shall be located at least five feet (5') from any property line.
4. Fixed lighting shall be located, screened or shielded so that any adjacent residential lots are not directly illuminated.

**1147.33 ASSURANCE REQUIREMENTS AND PLANS.**

Prior to the issuance of a Zoning Certificate, the Director of Zoning or his/her authorized representative may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes, operations entailed in certain uses, or occupations are to be eliminated or reduced to acceptable limits and tolerances.

**1147.34 HOME OCCUPATION REGULATIONS.**

A. Home occupation as an accessory use may be conducted in a single-family dwelling zones as such in accordance with Chapter 1143 of the Harrison Codified Ordinances, provided it is:

1. Clearly incidental and secondary to the use of the dwelling, and does not change the character of the dwelling; and
2. There is no indication from the exterior that the dwelling is being utilized in whole or in part for any purpose other than a dwelling and further that:
  - a) The home occupation is conducted wholly within the dwelling or off the premises;
  - b) There is no outside storage or display of materials in connection with the home occupation;

- c) The home occupation is conducted by a member(s) of the family residing on the premises; a maximum of one (1), non-resident employee may be utilized.
- d) No signs other than a non-illuminated one (1) square foot sign descriptive of the home occupation only and attached to the dwelling or mail box post only;
- e) The home occupation will not create more than an average of six (6) trips a day to and from the dwelling by all customers of the home occupation;
- f) The area used for the home occupation including stock or materials other than the type or quantity normally found in the home shall not exceed that which is allowed under the Federal Tax Codes and as regulated by the Internal Revenue Service including basements. No part of a garage or accessory building shall be used.
- g) The delivery of any materials for the home occupation will not exceed an average of two (2) trips per day by any vehicle not owned by a family member;
- h) If a product is created/manufactured/produced in the home as part of the home occupation, only that product may be sold from the home. Any additional or related products not created by the operator of the home occupation may be sold unless they are fully incorporated into the product produced by the home occupation.
- i) The mechanical equipment used for the home occupation is of a size and type that is similar to domestic mechanical equipment or is customarily found in a business office.

B. Home occupation shall be classified as a Conditional Use this requiring approval of the Board of Zoning Appeals. The Home Occupation permit shall expire in the event of a change in the ownership of the property at the location for which it was issued, or any change in location of the original Home Occupation. (Ord. 33-10. Passed 8-17-10.)

**1147.99 PENALTY.**

If any provision of Sections 1147.16 and 1147.17 is violated, the Director of Zoning or his/her authorized representative may order that the fence, wall, or hedge be removed. If the fence, wall, or hedge is not removed within ten (10) days of the order, the owner shall be fined ten dollars (\$10) for each day the violation exists. Where trimming is not done within ten (10) days after notice by the Director of Zoning or his/her authorized representative, the employees of the City may enter upon the property and trim the shrubbery, hedges, or trees at the expense of the property owner. Any shrub, hedge, or tree found to be located upon public property may be removed by the City at any time.